



Attorney Docket No.47777-0007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP 3600

Applicant : Christian MAYAUD
Serial No. : 09/201,107
Filing Date : November 30, 1998
Title : PRESCRIPTION MANAGEMENT SYSTEM
Examiner : Melanie A. Kemper
Group/Art Unit : 3622

Commissioner for Patents
Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY
TO OVERCOME A CITED PATENT OR PUBLICATION**
37 C.F.R. § 1.131

1. I, Christian Mayaud, am the named inventor of the '107 Application.
2. The present '107 Application is a continuation of United States Patent Application serial number 08/942,372, filed October 2, 1997, (now U.S. Patent No. 5,845,225), which is a continuation of U.S. Patent Application serial number 08/330,745 (the '745 Application) filed October 28, 1994 (now abandoned).
3. On a date prior to December 13, 1993, I made a confidential presentation to a third party regarding my invention then called "Physicians' Online." In support for that presentation, I provided a handout, a copy of which is attached hereto as Exhibit A, (all dates on submitted materials have been redacted), this handout material is numbered POL 03771 through POL 03783. This handout, Exhibit A, bears a printed date thereon (redacted) at page marked POL

03771, which shows the date that the meeting took place, a date prior to December 13, 1993. In further support of the date of this said meeting, attached hereto as Exhibit B, document no. POL 05667, is a copy of two pages from my personal calendar. In my writing there is displayed on the left side a morning entry, showing my "9:30" meeting (third party name and meeting location redacted) which date, printed on my calendar (redacted), is prior to December 13, 1993. This corroborates the date on the handout and the date the meeting took place prior to December 13, 1993. Other writings on this Exhibit B sheet reflect my notes of the parties in attendance at the meeting.

4. On another date prior to December 13, 1993, I made another confidential presentation to another third party regarding said invention "Physicians' Online." In support for that presentation, I provided a handout, a copy of which is attached hereto as Exhibit C. This handout material is numbered THB12195 through THB12206. This handout, Exhibit C, bears a printed date thereon (redacted) at page marked THB 12195, which shows the date that the meeting took place, a date prior to December 13, 1993. This corroborates the date the meeting took place prior to December 13, 1993.

5. On another date prior to December 13, 1993, I made another confidential presentation to another third party regarding my said invention "Physicians' Online." In support for that presentation, I provided a handout, a copy of which is attached hereto as Exhibit D. This handout material is numbered THB 08060 through THB 08072. This handout, Exhibit D, bears a printed date thereon (redacted) at page marked THB 08060, which shows the date that the meeting took place, a date prior to December 13, 1993. This corroborates the date the meeting took place prior to December 13, 1993.

6. On another date prior to December 13, 1993, I made a confidential presentation to a third party regarding my said invention "Physicians' Online." In support for that presentation, I provided a handout, entitled Business Summary PHASE 1 Medical Knowledge Management, which is attached hereto as Exhibit E, having document numbers POL 03290 through POL 03348. This handout, Exhibit E, bears a printed date thereon (redacted) at page marked POL 03290, which shows the date that the meeting took place, a date prior to December 13, 1993. This corroborates the date the meeting took place prior to December 13, 1993.

7. On another date prior to December 13, 1993, I made a confidential presentation to a third party regarding my said invention "Physicians' Online." In support for that presentation, I provided a handout, entitled PHASE 1 Business Plan Medical Knowledge Management, which is attached hereto as Exhibit F, having document numbers POL 02223 through POL 02301. This handout, Exhibit F, bears a printed date thereon (redacted) at page marked POL 02223, which shows the date that the meeting took place, a date prior to December 13, 1993. This corroborates the date the meeting took place prior to December 13, 1993.

8. On another date prior to December 13, 1993, I made a confidential presentation to a third party regarding my said invention "Physicians' Online." In support for that presentation, I provided a handout, entitled Physicians' Prescribing Network, which is attached hereto as Exhibit G, having document numbers THB 06006 through 06042. This handout, Exhibit G, bears a printed date thereon (redacted) at page marked THB 06006, which shows the date that the meeting took place, a date prior to December 13, 1993. This corroborates the date the meeting took place prior to December 13, 1993.

9. On another date prior to December 13, 1993, I sent a facsimile transmission of at least a one page document entitled "Physicians' Online: 5 year Plan," regarding my said invention,

which is attached hereto as Exhibit H, having document number THB 07125. This document, Exhibit H, bears a printed date thereon (redacted) at page marked THB 07125, which shows the date of the facsimile transmission, a date prior to December 13, 1993.

10. A power point slide show presentation attached as Exhibit I was also developed by me on a date prior to December 13, 1993. The actual presentation was presented to several companies under confidentiality agreements on dates prior to December 13, 1993.

11. All of the handouts and presentations referenced above in paragraphs numbered 3 through 10 support that my said invention "Physicians' Online" as presently embodied in at least claims 71 and 85 of the '107 Application was invented by me, and was conceived by me, prior to December 13, 1993.

12. On a date prior to December 13, 1993, I retained a Patent Law Firm to file a patent application for my said inventions. From a date prior to December 13, 1993 and up to October 28, 1994 I continuously met on numerous occasions with my patent attorney who drafted my patent application. As a result of continuous and diligent meetings with my patent attorney, a patent application was drafted resulting in the '107 Application, which had 151 typewritten pages in the specification and having 21 sheets of drawings. The '107 Application was filed with 69 claims which included three independent claims. In order to draft this application, considerable amount of time was necessary to meet with my patent attorney and review each claim as well as to review the entire specification and the drawings and flow charts. The specification drafted by my patent attorney included at least 39 separate sections detailing and described my invention, which required the numerous meetings with my patent attorney to draft. On information and belief, my personal calendar would support these visits with my

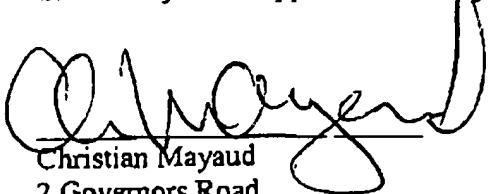
patent attorney. At the present time my said calendar is not in my control. It may come into my control at a date in the future pending third party litigation.

13. At all times from a date prior to December 13, 1993 through the filing date of my '745 Application, I acted diligently and in my opinion, my patent attorney was diligent in preparing and filing my '745 patent application.

14. All of the handouts and presentations referenced above in paragraphs numbered 3 through 10 illustrate that I invented the subject matter of claims 71 and 85 of the '107 Application prior to the December 13, 1993.

DECLARATION

I, Christian Mayaud, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Christian Mayaud
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Date: 6/04/04